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SUMMARY RECORD OF THE 21st MEETING (SECOND PART)*

Held at the Palais des Nations, Geneva,
on Monday, 15 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. FLINTERMAN (Netherlands)

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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (A/47/628)

1. Mr. ZAHARIA (Romania), speaking on agenda items 7 and 8, stressed the progress achieved, especially through the resolutions adopted by the Commission in 1992, in the consideration and establishment of guidelines for ensuring the effective enjoyment in all countries of the economic, social and cultural rights set forth in various international instruments and considered as an indispensable corollary to the full enjoyment of the other basic human rights and freedoms. His delegation welcomed the specific actions to be undertaken on the basis of those resolutions, such as a seminar of experts for the discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights and the identification through the Economic and Social Council of ways in which international cooperation and technical assistance would contribute to the effective progressive implementation of those rights.

2. The Commission's contributions to the forthcoming World Conference on Human Rights, to be based on the theme "democracy-development-human rights", should make use of the experience acquired by those countries that were restructuring their societies, which had had to negotiate the transition to a market economy and the strengthening of the rule of law while at the same time maintaining social spending at a reasonable level.

3. The Commission might encourage increased protection of economic, social and cultural rights through their inclusion in national Constitutions and detailed treatment in organizational laws, as was the case of the Romanian Constitution. They should also be given careful treatment in Government programmes, for their exercise was closely linked to the economic and social features of each stage of a society's development.

4. In order to maintain social spending at reasonable levels during the transitional period, the Romanian Government was planning a series of measures, including: 1. Active involvement by the State as an economic partner, together with accelerated privatization in the trade, tourism and other sectors through preferential loans and tax facilities; 2. Modernization of the legislative and institutional framework in order to strengthen foreign

investors' confidence; 3. Reorganization of training and recycling for the unemployed, of opportunities for transfer to other occupations and of the wage system to ensure a minimum wage throughout the country; 4. Preparation of proposals for submission to the Parliament in the area of social benefits; 5. Gradual withdrawal of the Government from its role as a partner in labour matters so that employers and trade unions would deal directly with each other, with the Government acting as mediator; and 6. Consolidation of the non-governmental organizations' teaching, research, culture and health facilities, to allow for the gradual withdrawal of the State from those areas.

5. The experience of the developed countries, in particular those of the European Community and the Council of Europe, should also be brought to bear in the progressive development of principles and rules for the enhancement of economic, social and cultural rights.

6. Mr. BARBUDA (Brazil) said that it was as valid to discuss the right to development as it was to evaluate the political background that also affected the exercise of individual rights. The international community was still far from being capable of translating into action the principle of cooperation for development and respect for human rights set forth in the Charter of the United Nations. Although the United Nations and the Commission had achieved remarkable results in establishing legal norms for protecting human rights, the system lacked adequate solutions for countries which, due to problems intrinsic to underdevelopment, faced special difficulties in promoting human rights.

7. Although economic development should be accompanied by respect for human rights, achieving the entire range of basic human rights was very difficult under circumstances of poverty and underdevelopment. Brazil did not accept the argument of underdevelopment as an excuse for passivity in the face of human rights violations, but history had shown that development and respect for human rights were not synonymous. Unfortunately, the efforts of many democratic developing countries to improve their internal human rights situation often encountered barriers that seemed impossible to surmount without active international cooperation.

8. In the context of cooperation for development as a means of promoting human rights, attention should be focused on how economic policies in the developed countries could affect the human rights situation in the developing countries. Regrettably, the Commission had at times been too quick to point out violations of human rights in developing countries without examining in depth the root causes of the situation.

9. Brazil was a democratic country that had recently demonstrated its maturity by solving a serious political crisis in strict observance of its Constitution. Although its desire to have a just, free and open society which fully respected human rights could not be questioned, violations did occur, and it was not always possible to identify and punish the culprits. The Government was endeavouring to remedy that problem in cooperation with civil society, but its task was not easy in a country as vast and diverse as Brazil. The very conditions of underdevelopment, aggravated by the structural

adjustment necessitated by the foreign debt, made it difficult to provide adequate human and material resources for the police, the judiciary and other institutions that guaranteed the rule of law.

10. It was appropriate that the International Federation of Human Rights should invite the President of the Brazilian Bar Association, Mr. Marcelo Lavenère, to address the Commission. Mr. Lavenère enjoyed wide respect in Brazil, in particular for expressing the voice of civil society in the recent political crisis that had led to President Collor's impeachment, and participated, in his capacity as member of the National Council for the Defence of Human Rights (CDDPH), in inquiries into many human rights violations.

11. In the wake of democratization, civil society, through eminent personalities and non-governmental organizations (NGOs) was playing an important role in monitoring human rights situations and working together with the Government to find ways to stop violations. The root cause of the problems was a combination of the obsolete land-tenure structure and the deteriorating economic situation. It was practically impossible to eradicate slave-like working conditions without solving the problems of unemployment, underemployment and constantly declining income levels. The developing countries could not afford costly social security systems while at the same time bringing down government expenses to pay their foreign debts, as demanded by the developed countries.

12. Efforts at standard-setting and monitoring respect for human rights had to be accompanied by the enhancement of mechanisms of cooperation for development if the developing countries were to achieve full realization of human rights. The international community should adopt positive measures of support for those democratic countries which, while engaged in protecting human rights, struggled to overcome unjust socio-economic conditions. In that connection, his delegation had taken the initiative of submitting resolution 1992/51 on the strengthening of the rule of law, a question which it commended to the Commission's attention.

13. Mr. BAKHMIN (Russian Federation) said that the shaping of a universal system of human rights protection was one of the most significant achievements of recent decades. A human rights culture was now the yardstick of civilized society. Russia knew from its own experience that it was at times no easy matter to apply the principles of equality, non-discrimination and personal freedom and did not claim to have succeeded in solving all the problems associated with protection of human rights and freedoms. Further efforts were required to secure the genuine independence of the judiciary, improve legislation concerning the militia and State security, ensure the right to leave the country and enhance the status of minorities and indigenous peoples. The situation remained difficult in the army, the penitentiary system was in need of radical reform and the freedom of the media had to be guaranteed. In those efforts, Russia counted also on the support of the international community and its foreign partners, both to formulate specific wishes and objective criticism and to promote an exchange of information and experience in addressing individual problems. An important role could be played in that regard by the current session of the Commission, whose decisions were carefully studied in Moscow.

14. Russia had assumed all the human rights obligations of the former USSR and would do everything possible to comply with the various international instruments. It hoped that the other new independent States which had emerged in the territory of the former Soviet Union would do likewise. However, it was concerned that human rights issues were being pushed into the background in some of those States and that their leaders were at times not abiding by their obligations under the international instruments. His country could not remain silent in the face of attempts to restrict the independence of the media, persecute representatives of the political opposition and hamper the activities of human rights organizations. In some places, group or clan interests were gaining the upper hand and the temptations of power were sometimes leading to gross violations of human rights. The growth of aggressive nationalism in some former Soviet republics constituted an obvious danger. It was a cause for concern when difficult problems were linked solely to the presence of persons of non-indigenous nationality and when the solution to those issues was conditioned by a need to build monoethnic States. The baneful consequences of such an approach were demonstrated by the experience of the former Yugoslavia.

15. Outside the Russian Federation, in the republics of the former Soviet Union, there were currently more than 25 million inhabitants with ethnic ties to Russia. Most considered themselves loyal and full citizens of the new States, with an interest in strengthening their independence. However, provisions concerning the rights of that category of the population in some countries appeared to be unsatisfactory and at times discriminatory. Those people should be fully entitled to use their own language, have access to the information they needed and bring up their children in accordance with their views. A citizen's nationality ought not to be an obstacle to promotion at work or a barrier to participation in important decision-making. Russia did not question the sovereign right of any country to order its life in accordance with its own customs and national traditions, but was convinced that the fundamental rights and freedoms of all people must be fully respected in that process.

16. His delegation was concerned in particular about the recent increase in the flow of people deciding to leave their homes in some independent States of the former USSR and resettle in Russia. Most had been forced to leave as a result of armed conflicts and domestic instability. However, that difficult decision was often being taken because of hostility towards Russians and nationalism and discrimination at the local level. The fact that such negative phenomena were not always being countered by the authorities tended to give the impression of a deliberate policy aimed at driving out the Russian-speaking population from some republics. Russia would continue to focus its attention on securing the rights and freedoms of Russians living in the new independent States, where a human rights culture was essential.

17. One alarming case had been the arrest in Bishkek of representatives of human rights organizations of Uzbekistan. They had been detained by the internal affairs organs and forcibly taken to Tashkent. His delegation believed that democratic freedoms such as freedom of speech and expression, freedom of peaceful assembly and demonstration and the right to form political parties were not as yet being fully realized in Uzbekistan. Developments in some other Central Asian republics, too, were ambiguous, although lack of

information often made it impossible to form a complete picture of the situation there. Certainly, in some regions of the former Soviet Union there was an upsurge of religious fanaticism and intolerance. Russia had already said that concrete steps were needed to improve the situation of national minorities in Moldova. The serious problems of the Russian-speaking population in Latvia and Estonia were the subject of negotiations between Russia and those two States. Of course, the most significant human rights violations were taking place in areas of armed conflict: between Armenia and Azerbaijan, in Tajikistan, Georgia and the northern Caucasus. There were also other potential sources of tension that could lead to massive violations of human rights.

18. His country believed that regional organizations had an important role to play in achieving the noble goal of protecting human rights. Russia highly valued the contribution of the pan-European process and had applied for membership of the Council of Europe in May 1992. It also wished to see more attention devoted to human rights issues in the context of the development of cooperation within the Commonwealth of Independent States and had supported the inclusion of provisions in the Commonwealth Charter for the establishment of a special mechanism to monitor the implementation of human rights in all member States. The Federation had sponsored a proposal to adopt a special declaration of the Commonwealth countries reaffirming their adherence to generally accepted human rights standards and would continue its efforts in that direction.

19. Unfortunately, that approach was not always understood or welcomed by its partners. However, continuity in human rights obligations was of great importance for the ongoing democratic development of the young independent States in the region of the former USSR, as it was in other regions. Such countries should formally reaffirm the applicability of human rights principles in their territories and take action for their practical implementation. The duty of the international community and of the Commission in particular was to contribute to that process, for example through increased technical assistance and advisory services.

20. Accordingly, his delegation invited the Commission to adopt a draft resolution entitled "Succession of States in respect of international human rights treaties". Russia was not pursuing short-term political interests of any kind. It was convinced that the internal stability of States and a climate of confidence and cooperation among countries largely depended on the status of the individual in society and on how far his rights and freedoms were safeguarded. Further efforts were therefore needed, in its view, to strengthen international monitoring procedures and mechanisms enabling the world community to ensure consistent and universal application of human rights standards.

21. Mr. BOUBACAR (Guinea-Bissau) said that the reports before the Commission bore witness to the specific initiatives of the United nations for the strengthening of international cooperation in the areas of peace, international security and development. There was a growing tendency to replace confrontation and force by dialogue and cooperation in international relations.

22. Solidarity in efforts to preserve the environment and eradicate the scourges of racism, terrorism and drugs augured well for the future, but unfortunately, there was also persistent tension and conflict in many areas of the world, not to mention the economic and social problems afflicting most of humanity.

23. For example, Africa was poorer than it had been 20 years before. The developing countries' debt service greatly exceeded capital inflows, and the steady decline in the prices of their products on international markets was a serious obstacle to their development effort. Thus development should cease being viewed as a simple matter of "aid" and should be analysed in terms of concrete measures to stimulate growth and favour beneficial interaction between the economies of the developed and developing countries. That would pave the way for the full affirmation and enjoyment of economic, social and cultural rights.

24. The developed countries must have sufficient openness and commitment to instil a new dynamic into international economic relations, in which process the United Nations had a crucial role to play. Rich and poor countries must join forces to build a new type of relationship between States and nations based on a fairer vision of the world in which solidarity and human rights prevailed.

25. Guinea-Bissau's external debt was $550 million, an increase of 11 to 12 per cent over 1990, and it was considerably in arrears with its debt-servicing payments. The Government recommended greater intervention by the agencies specializing in external debt matters with a view to reducing or cancelling Guinea-Bissau's external debt, given its serious economic and financial situation. That might be done either by cancellation of a portion of the debt, conversion of part of the debt into national currency, discounted debt purchase or retroactive reduction of penalties for late payment. Since the structural adjustment programmes had had a negative impact on the poorest sectors, the Government wished to see United Nations action strengthened and better coordinated with a view to achieving the following goals: 1. Better access by the people to health, education and the system of justice; 2. Creation of sources of income, in particular in the rural areas; 3. Increase in training especially for the integration or reintegration of the unemployed; 4. Improvement of the situation of qualified personnel and recovery of civil servants' purchasing power; 5. Enhanced participation by Guinea-Bissau nationals in United Nations bodies; and 6. Decentralization of United Nations bodies, with better inter-agency coordination and reduction of bureaucracy.

26. Ms. PARK (Canada) said that much of the misunderstanding surrounding the relationship between economic, social and cultural rights and civil and political rights stemmed from the difference in the nature of the governmental obligations deriving from those two sets of rights. The International Covenant on Civil and Political Rights laid down an obligation for Governments to refrain from arbitrarily curtailing their citizens' fundamental freedoms. The International Covenant on Economic, Social and Cultural Rights recognized the central importance of limited resources in that context, but that distinction did not imply any difference in the relative importance of the two sets of rights. As a party to both Covenants since their entry into

force, Canada considered the principles set forth in those instruments to be fully compatible and fundamentally interrelated. It had also joined in the adoption of the Declaration on the Right to Development in 1986 precisely because it had seen that document as a reaffirmation of the international community's responsibility to strive for the realization of all principles embodied in the International Bill of Human Rights.

27. That view was central not only to its approach to international human rights issues, but also to the underpinnings of Canadian society. Since Canadians were firmly attached to the achievement of both sets of rights, programmes such as its national medical care system, the provision of financial assistance to poorer provinces and multicultural programmes had become part of the very fabric of Canadian society.

28. According to that comprehensive view of human rights, nothing was to be gained through debates over whether developed countries were overly concerned with political and civil rights or whether developing countries should give priority to economic, social and cultural rights or should be held to a lesser standard of respect for civil and political rights. History was replete with examples of both good and bad human rights records among developed and developing countries alike. A country's potential for social and economic development turned on the freedom of its citizens to participate fully in all aspects of society. That did not imply the imposition of "Western" values or forms of government. Guarantees of political freedoms could translate into different political structures, just as economic and social programmes were shaped by national circumstances.

29. Canada associated itself with the growing consensus that the two sets of rights were not competing priorities but fundamentally interrelated. It did, however, recognize the tremendous challenges which many developing countries faced in improving their human rights performance. Canada regarded its development cooperation as a way of assisting less developed countries to fulfil their human rights obligations in all spheres. Its decision increasingly to channel such assistance to Governments that respected the rights and freedoms of their people reflected Canada's desire to support those who were committed to strengthening their capacity to protect human rights. Canada would not give aid to Governments that flagrantly abused the rights of their citizens.

30. At the same time, it attached high priority to fostering in the development of institutions for the protection of basic human rights as a fundamental element of its bilateral programmes, and it believed the United Nations should continue strengthening its programmes for helping developing countries that were committed to improving their human rights protection infrastructures.

31. A growing number of concrete proposals in that regard were emerging from various quarters. In 1992, at Brazil's initiative, the Commission had adopted a resolution on strengthening of the rule of law, calling upon the World Conference on Human Rights to focus on the means for the United Nations to provide more effective assistance in that area. In November 1992, the African preparatory regional meeting in Tunis had called for the African States and the international community to allocate more resources to the administration

of justice. In January 1993, the Latin American and Caribbean regional meeting in Costa Rica had suggested the establishment of a United Nations programme of technical and financial assistance, under the auspices of the Centre for Human Rights, to cooperate, at the request of Governments, with national projects designed to strengthen institutions upholding the rule of law. It had also called for regular meetings of leaders of the United Nations, the Organization of American States, other regional organizations, the World Bank, the International Monetary Fund, the inter-American Development Bank and other important international finance and development institutions in order to assess the impact of their policies on human rights and to coordinate measures and strategies for the promotion and realization of human rights. That was potentially a very significant proposal which Canada would like to discuss with interested Governments and international agencies alike. Such ideas merited the Commission's careful attention.

32. Mr. MOTOC (Romania) said that items 17 and 18 were particularly significant in the light of the forthcoming World Conference on Human Rights, which would provide a political opportunity for improving the legal framework of human rights. His delegation shared the view that the objective of achieving universality of human rights required the widest adherence to the International Covenants. It was encouraged by the recent increase in the number of States parties to those instruments and hoped that process would continue.

33. For its part, the Romanian Government had ratified the second Optional Protocol to the International Covenant on Civil and Political Rights, and the Romanian Parliament was currently reviewing a proposal for ratifying the first Optional Protocol. Romania was a party to nearly all United Nations human rights instruments and had fashioned a constitutional setting that explicitly provided for the precedence of international human rights norms over domestic regulations. Further safeguards stemmed from the broad mandate given to the Constitutional Court and the institution of the People's Advocate, modelled after the Nordic Ombudsman.

34. His delegation shared the concerns expressed over the reservations to various provisions of the International Covenants and favoured the approach of strengthening the existing set of norms rather than continuing to legislate. There were, however, certain areas in pressing need of international legal protection, more especially the rights of human rights defenders. Other grey areas awaited legal definition, which the recent normative accomplishments within the European system for the protection of human rights had demonstrated to be always preferable to empirical solutions.

35. Interested as it was in the work of the treaty-based bodies, at the previous session of the General Assembly his Government had expressed support for the initiatives undertaken to improve reporting procedures. It was particularly favourable to the introduction of biannual meetings of the chairpersons of the treaty bodies and the developing practice of compiling general comments and recommendations initiated by some of those bodies.

36. Proposals by the NGOs for improving the United Nations human rights system should be given close study, stemming as they did from long-standing

involvement with its components. His delegation would particularly welcome a debate concerning Amnesty International's very interesting proposal for the establishment of a United Nations Special Commissioner for Human Rights. The expertise of national NGOs dealing with human rights was also extremely useful in preparing reports to the treaty bodies.

37. Mr. Flinterman (Netherlands) took the Chair.

38. Mr. KOLAROV (Bulgaria) said that the major positive changes that had occurred throughout the world in the late 1980s had raised hopes that human rights would become a powerful catalyst for the unity of all nations and peoples. Regrettably, however, the state of the world in 1993 scarcely justified such optimism.

39. Bulgaria had often stated that strict compliance by all States with the provisions of the International Covenants on Human Rights and other human rights treaties as well as the withdrawal of the reservations made by some countries to important provisions of those instruments was of great significance for the effective enjoyment of human rights. Strict application of international standards, however, did not necessarily lead to the elimination of human rights abuses without the adoption at the national and international levels of far-reaching practical measures aimed at bringing about a fundamental change in the attitudes of all members of society. United Nations bodies and non-governmental organizations played a unique role in promoting awareness of human rights and thus assisting both the effective application of international standards and the prevention of human rights abuses.

40. The reporting system had proved to be of great importance in implementing the international instruments, and he commended the valuable work performed by the treaty bodies in that respect. At the same time, Bulgaria considered that there was still room for improvement in their work. The results of the meetings of chairpersons of the treaty bodies were particularly useful, and the forthcoming World Conference on Human Rights would provide a good opportunity to discuss means of improving the effectiveness of the human rights machinery.

41. Bulgaria was a party to all the major human rights instruments and had recognized the compulsory jurisdiction of the International Court of Justice. It had also initiated the necessary constitutional procedures for withdrawing practically all reservations made in the past. Because it considered adequate fulfilment of reporting obligations to be an integral part of States' obligations under the international instruments, it had already submitted or was in the process of preparing its national reports due by 1993.

42. Mr. SENE (Senegal) said that, in order to ensure social progress and better living conditions for all persons, there was a need for a common conception of human rights that would seek the satisfaction of the full range of human needs. In that context, his delegation had always stated that the realization of the right to development was the crucial link between the recognition and actual exercise of human rights.

43. In 1942, President Roosevelt of the United States had stressed in his "Four Freedoms" speech that one of the four freedoms was freedom from want. However, 48 years after the adoption of the Charter of the United Nations, most of humanity was still living in extreme poverty, and under those circumstances it might be wondered what the real value of international solidarity was.

44. The Secretary-General of the Council of Europe had recently stated that underdevelopment was in itself a violation of human rights. The link between human rights, democracy and development should be seen from the point of view of interdependence, complementarity and the need for international cooperation, since all were different facets of the same situation. The right to development would be fully realized through States' commitment under Articles 55 and 56 of the Charter of the United Nations to take joint and separate action to promote universal respect for human rights.

45. His delegation called for a genuine partnership for development between North and South, which would transcend the political interests that had been the main feature of the Cold War period. His delegation agreed with the Secretary-General's view, as stated in his report E/CN.4/1993/16 on the implementation of the right to development, that all United Nations cooperation bodies and agencies should base themselves on the Declaration on the Right to Development in preparing their aid and cooperation programmes. It also supported the idea of establishing a programme for implementing the Declaration on the Right to Development as part of the advisory services of the Centre for Human Rights. Other suggestions, such as the establishment of a group of independent experts or a Special Rapporteur on the question, should be carefully examined. Senegal hoped that the question of the right to development would be given the attention it deserved in the forthcoming debate at the World Conference on Human Rights.

46. Mr. SALANDER (Sweden), addressing agenda items 7 and 8 on behalf of the Governments of Denmark, Finland, Iceland, Norway and Sweden, said that the past two decades had seen an increasing interest in exploring the relationship between human rights and development. The Nordic countries had worked towards the attainment of international recognition of the role of human rights in the development process, in which the Commission should play a constructive role. Too often the debate had focused on whether it was justified to attach different priorities to respect for human rights on the one hand and efforts to achieve development on the other. In fact, development and respect for human rights were not competing agendas: progress on either agenda would prove beneficial to the other.

47. The starting point for a discussion on development should be that the individual human being was its central subject. In that regard, the International Covenants on Human Rights provided standards for the development process. States must have the political will to take steps to uphold their obligations under the Covenants and other relevant conventions, and the international community must assist States to fulfil those obligations. Governments and international institutions could participate in that process by promoting the rule of law through strengthening the educational, judicial and administrative structures of a State and through programmes for social justice. That role could include support for governmental and

non-governmental human rights institutions and organizations, as well as introduction of legislative and other measures to safeguard the rights of members of ethnic and religious minorities.

48. The Centre for Human Rights should seek to promote the integration of the human rights dimension in development agencies within the United Nations system. Recent initiatives to foster cooperation between the Centre and the United Nations Development Programme were therefore to be welcomed. The Advisory Services, Technical Assistance and Information Branch also had an important role to play in the cooperation between the Centre and other parts of the United Nations.

49. Encouragement should be given to efforts to formulate a coherent programme for the implementation of the Convention on the Rights of the Child, which had opened prospects for combining development programmes with the monitoring of a State's compliance with its norms. The Convention provided a common basis for engaging in a dialogue on how to assist developing countries to translate their political will into concrete policies.

50. The relationship between human rights, democracy and development would be a leading topic of the World Conference on Human Rights. He hoped that the Conference would identify forward-looking strategies for dealing with that question. In the framework of the preparatory process, the Nordic countries would be seeking to identify practical measures in support of efforts of individual countries and to define strategies for their implementation as an integrated part of development cooperation programmes. Such an integrated approach should include human rights, democracy, development and good governance and must also encompass the rights of women and children. The Conference should also adopt recommendations as to how Governments, the United Nations system and other intergovernmental bodies could more effectively promote human rights as part of their development cooperation schemes.

51. The World Conference might recommend that development programmes and projects emanating from United Nations bodies should be accompanied by human rights assessment statements, to be made available to human rights bodies, NGOs and the general public. Such statements would form part of the basis on which development programmes and projects could be independently evaluated and measured. The Conference might also address the role played by organs and agencies with specific mandates.

52. In the view of the Nordic Governments, respect for human rights and democracy were at the core of peaceful and sustainable social development. The two sets of rights defined in the 1966 Covenants were interrelated. It was difficult to draw definitive conclusions on the intricate linkages that existed between political and civil rights and economic, social and cultural rights. It could be broadly stated, however, that a climate where political and civil rights were respected was likely to have a positive influence on the general development process. In any event, each specific human right had its own validity, and that fact should always be remembered both in development programmes and in all other efforts by a society to improve its human rights situation.

53. Mr. KHALIL (Egypt), referring to agenda item 8, quoted article 1, paragraph 1 of the Declaration on the Right to Development. It was evident that the right to development had a dual dimension, being both a human right and a people's right. It was also a right whose basic purpose was the comprehensive realization and enjoyment of all other human rights. The degree of exercise of economic, social and cultural rights was largely dependent on the level of development of a particular State. Collective dialogue and cooperation were needed to address the current economic situation, which in his view represented a major obstacle to development.

54. In many developing countries the economic environment was characterized by massive budget and balance-of-payment deficits and increased rates of unemployment, yet those same countries were faced with the burden of negative net financial transfers, deterioration in the terms of trade, accumulation of foreign debt, higher levels of protectionism, shortage of foreign exchange and lower commodity prices. Austerity policies had entailed involuntary cuts in social services, which constituted a major impediment to development.

55. His delegation was convinced that the principles set forth in the Declaration on the Right to Development and the Commission resolutions on the right to development were a positive reflection of the world community's aspirations for the establishment of a new and more just world economic order.

56. In response to Commission resolution 1992/13, the Secretary-General had prepared a report (E/CN.4/1993/16), which could be considered as a plan of action for effectively implementing the principles contained in the Declaration on the Right to Development. In that connection, he referred to the Final Documents of the Tenth Conference of Heads of State or Government of Non-aligned Countries and the Tunis Declaration adopted by the African States at the preparatory meeting for the forthcoming World Conference on Human Rights.

57. His delegation supported the idea of establishing a Working Group to examine the obstacles to the implementation of the right to development and submit proposals to the Commission on ways of overcoming them. Human rights should be dealt with comprehensively and non-selectively, and there could be no separation between civil and political rights, on the one hand, and economic, social and cultural rights on the other.

58. In accordance with the Declaration on the Right to Development, all States had the primary responsibility for creating conditions favourable to the realization of that right and the duty to cooperate in eliminating obstacles to it. He hoped that the World Conference on Human Rights would address the question of the effective implementation and promotion of the Declaration.

59. Mr. ARNOTT (World Conference on Religion and Peace) said that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted resolutions on population transfer at its past three sessions and in 1992 had entrusted two Special Rapporteurs with the task of making a preliminary study of the human rights dimensions of population transfer, including the implantation of settlers and settlements. He stressed the

urgent need for United Nations action to prevent that practice, which was a form of demographic engineering that had produced some of the worst violations of human rights in history.

60. In that connection, he drew attention to the demographic engineering being committed against the people of the former Yugoslavia, chiefly Bosnian Muslims, but also Serbs in Krajna and Croats in western Herzegovina. Other horrific cases of population transfer in modern times were the "ethnic cleansing" of the Great Plains of the United States of America from the 1830s to the 1880s and, more recently, the forced removal of Navajo from the Big Mountain area of Arizona in the 1970s. There were also the examples of the emptying of the cities of Cambodia by the Khmer Rouge and the current practices of the military rulers of Myanmar, whose army and military intelligence were expert in every form of demographic engineering. He would use the latter country as an illustration of the principal forms of population transfer, namely forced evictions from urban centres, expulsions from rural areas, strategic hamleting and Government-sponsored migration.

61. Forced evictions from urban centres in Myanmar had exceeded 500,000 over the past three years. Most of the victims had been relocated in areas far away from the cities, frequently paddy fields with little or no drainage, where many were now suffering from malaria. A major vehicle for such evictions was the bulldozer, which had also served in the creation of the Bantustans in South Africa. Expulsions from rural areas by Myanmar army terror tactics had involved killings, widespread rape, forced labour and the destruction of homes and places of worship, producing internal displacement and mass exoduses. There were approximately 200,000 people displaced in the war zones of Myanmar, at least 100,000 Karen, Mon and Kerenni people who had taken refuge in Thailand, and up to 300,000 Myanmar Muslim refugees in Bangladesh. Since September 1992, 16,000 of those Muslim refugees had been forced back into the grip of the Myanmar army, an action which had led to the withdrawal of UNHCR. People in Iraqi and Turkish Kurdistan, South Africa, the occupied West Bank and many other areas of the world were subject to forced removal, either because they lived in ethnically or strategically sensitive areas or because their land contained valuable mineral deposits. Millions of others were forced off their land by large development projects, some of them funded by the World Bank.

62. Strategic hamleting was the basic practice of the civil war strategy of the Myanmar army, which concentrated groups of villages in minority areas into military-controlled camps. If people did not move they risked being shot as insurgents. Over the past 25 years, several million people in all the minority areas of Myanmar had been relocated under that policy, and versions of that strategy had proved popular with many other authoritarian regimes.

63. In another form of population transfer, Governments sponsored or encouraged the implantation of settlers for strategic reasons or to change the ethnic composition of the territory. That was achieved by swamping the local population and thus obstructing moves towards self-determination. Sponsored migration had been used in East Timor, Tibet, the Chittagong Hill Tracts of Bangladesh, the occupied West Bank, Kosovo and West Papua.

In East Timor the practice was supplemented by the large-scale removal of children and adolescents to Indonesia, where they were taught the culture and history of the Javanese and forbidden to speak their own language.

64. When the issue of the human rights dimensions of population transfer was brought before the Commission by the Sub-Commission, the treatment it received would be an indication of the integrity of the Commission.

65. Mr. CUSTODIO (Service, Peace and Justice in Latin America) said that millions of Latin Americans were being deprived of their economic, social and cultural rights and being denied their prospects for development as peoples. The statistics on the economic policies of the international financial agencies for strengthening the Latin American economies were distressing. In the case of Panama, whose economic situation had become critical following the United States military aggression in 1989, the international agencies had demanded that the Panamanian State should pay the interest on its existing debt in order to be eligible for new loans and that it should privatize its most profitable State enterprises. Directly related to that structural adjustment policy were the mass dismissals of public employees between 1990 and December 1992 by the Government of Panama. The rights to employment and housing of the population of Colón, the second largest province in Panama, were being severely curtailed, and various attempts at negotiation with the Government had only resulted in harsh repression spearheaded by the United States armed forces. The poverty statistics for that province, which he described in detail, were alarming.

66. A similar situation existed in the Argentine Republic, whose foreign debt, according to his organization's information, had risen from $45 billion in 1983 to $61 billion by the end of 1990, under the recommendations of the international financial agencies. He wished to draw the Commission's attention to the absolute impunity with which those economic policies were applied and with which thousands and thousands of Latin Americans were cast into extreme poverty.

67. The same was true of the economic policies applied in El Salvador and Honduras by the Agency for International Development (AID), which had introduced the so-called Industrial Processing Zones for exports, where the ILO Conventions and other provisions did not apply. Over 80 per cent of the labour force was composed of under-age women who worked for over eight hours per day to meet their daily production quota. The AID promoted laws for modernizing the development of the agricultural sector, which were aimed at ending the agrarian reform, at promoting the rebirth of the large estate system and at the mass dismissal of workers of the Agrarian Reform Institutes, including failure to respect the trade-union rights of 109 leaders of the trade union of the Honduras Agrarian Reform Institute. With such policies, based primarily on repression, the right to development would always be an illusion.

68. His organization endorsed the recommendations contained in the report of Mr. Türk, Special Rapporteur (E/CN.4/Sub.2/1992/16), regarding the need to find suitable or effective mechanisms for verifying the implementation of economic, social and cultural rights by States. It also believed that as long as the international financial agencies did not make human rights and the

right to development their prevailing concern, their adjustment policies would be an incitement to impunity. As his organization had stated at the Commission's previous session, the enjoyment of just economic conditions by peoples was an essential part of the right to development. The Commission must promote concrete measures for ensuring observance of the right to development and the international financial agencies as well as Governments must respect them, to the benefit of the democracy for which the Latin American peoples had fought so hard.

69. Mr. SZMUKLER (American Association of Jurists) said that in recent years the right to development had been increasingly undermined as a result of the neoliberal adjustment policies aimed at sustaining the external debt payments of the developing countries and at ensuring their economic dependency. It had been clearly demonstrated that economic growth or reduction of inflation did not lead to development unless they were accompanied by changes in the distribution of income, enabling larger portions of the population to realize the economic, social and cultural rights set forth in the International Covenant. For example, in 1991, Venezuela's per capita growth rate had been 9 per cent, yet 41 per cent of its people were living in marginal conditions. The inflation rates of several Latin American countries had dropped significantly in 1991 and 1992, but at the same time the situation of their poorest sectors had worsened. According to the UNDP Human Development Report 1992, the richest fifth of the world population received 82.7 per cent of total world income, while the poorest fifth received only 1.4 per cent.

70. Extreme poverty, far from being due to lack of hard work and a spirit of initiative, was the result of centuries of pillage and exploitation. The impoverishment of most of the world's population continued in different forms: deterioration of the terms of trade, renegotiation of debt, transfer of resources from the South to the North, exodus of capital, structural adjustment imposed by the IMF, depletion of forests, export of toxic wastes, establishment of polluting industries, completely unecological reforestation programmes financed by the World Bank, etc.

71. The prevailing trend was for business profits and the profits of the financial agencies to be the most important concern, despite the extremely negative social consequences of certain policies. While capitalist interests had a decisive influence on Government planning in nearly all countries, when those policies failed and the economic crisis worsened, workers and social programmes were immediately held responsible and attempts were made to reduce wages and social benefits. That conception confused development with profitability.

72. The entire situation was worsening with the new international order imposed on the basis of the absolute supremacy of one major power. There were clearly two contradictory international orders: that of the legal texts and that of reality. That contrast caused scepticism and discredited the law and the structures for applying it, and the unequal treatment of similar situations endangered the international organizations.

73. Without going into the generally known examples of the Gulf War, the recent bombing of Baghdad and the indulgence towards Israel's systematic violation of Security Council and General Assembly resolutions, he would focus

on the problem of the right to development. In 1991 the Council of Europe and the European Community had adopted resolutions linking economic aid to the beneficiaries' respect for human rights. However, the European Community had not gone beyond a formal condemnation of the repression in East Timor, and it had demanded changes in Cuba's external and domestic policies while concluding special trade and technical cooperation agreements with Turkey, which the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had publicly denounced for systematically practising torture.

74. In June 1987 the United States Congress adopted a law freezing economic aid to Honduras until Honduras compensated a United States citizen who had allegedly suffered economic harm in Honduras. The Honduran Government had thus had to pay the citizen in question $7.2 million in order to unblock economic aid amounting to $20 million. Clearly, "gunboat diplomacy" was continuing to be applied.

75. Corruption among public officials was a universal phenomenon, but a specific form of it accompanied privatization of companies and deregulation of the economy in many countries. Such processes, which frequently occurred under conditions that were extremely unfavourable for the national interests of the countries concerned, often took place with technical advisory assistance and financing from the World Bank. The conduct of the IMF and the World Bank was especially serious: both agencies had made huge profits in their dealings with third-world countries. It was unacceptable that the World Bank should grant loans to provide compensation for dismissed staff of State enterprises in order to facilitate their privatization, rather than to create new jobs. The World Bank could not offer any examples of loans for autonomous development, with possibilities for competition with the multinational corporations or the industrialized countries in the world market. The major infrastructure works which it financed, with complete contempt for the environment, tended to facilitate the activities of the multinational corporations.

76. Thus the American Association of Jurists suggested that: 1. The United Nations General Assembly and/or the World Conference on Human Rights should declare policies and practices impeding the right to development and economic, social and cultural rights to be international crimes; 2. The Economic and Social Council should request an advisory opinion from the International Court of Justice on whether the practices and policies of the IMF and the World Bank were in keeping with their statutes, the Charter of the United Nations and other international instruments; and 3. An optional protocol to the International Covenant on Economic, Social and Cultural Rights should be adopted.

77. Mr. GOONETILLEKE (Sri Lanka), speaking in exercise of the right of reply, said his delegation had been surprised to hear a suggestion by one NGO that donor nations should cut development aid to Sri Lanka in view of the fact that its budget for health and education had gone down while its military expenditure since the 1960s had gone up. Sri Lanka had long had an island-wide system enabling its nationals to receive free education from the primary through to the university level, including provision of scholarships. The President of Sri Lanka had recently introduced a new programme to

supplement free education with free textbooks and uniforms. Similarly, health services had been absolutely free of charge for the population since the country had gained independence in 1948. Contrary to the claim made by the NGO concerned, both education and health facilities in Sri Lanka were being expanded, not reduced, as was demonstrated by the statistics.

78. In regard to defence expenditure, it should be pointed out that in the 1960s Sri Lanka had not had the terrorist problem that was threatening it today. It had not been an easy choice for the Government to increase defence expenditures that could be used for development purposes. However, the country had first to meet the threat to its security, and it was clear that the suggestion to scale defence expenditure down to its 1960s level could not logically be implemented in the present context.

79. His delegation appreciated the role played by NGOs in the Commission and elsewhere to promote and protect human rights worldwide. However, lobbying to cut development aid so as to punish Governments would violate the right to development of the very people whose cause those organizations were championing.

80. Mr. YOUSIF (Sudan), speaking in exercise of the right of reply, said that his delegation had listened with astonishment and disappointment to a compilation of distorted information and baseless allegations by the World University Service (WUS) concerning educational policies in the Sudan. In fact, a revolution had taken place in the field of higher education after June 1989, since which time the number of universities had increased from 3 to 10 and the number of university students by 500 per cent. A few students had been dismissed from a particular university because of their interference with the right of others to enjoy a peaceful and continuous academic year.

81. There was no such thing as "the requirements of Islamization of schools and university curricula". The WUS representative's use of the term "Islamization" showed that his sole concern was to attack Islam. Thus, the WUS had a discriminatory attitude based on religion. His delegation regretted the level to which institutions such as the WUS had sunk in agreeing to be used as a conduit to serve the purposes of others.

82. Mr. VILLARROEL (Philippines), speaking in exercise of the right of reply, said that his delegation did not dispute the point made by the representative of the World Alliance of Reformed Churches, namely that the Philippines' $29 million foreign debt should not be repaid at the expense of the poor. However, it should be noted that the Philippine Government had also embarked on a programme of poverty alleviation, recognizing that growth in itself would not suffice to bring the poor majority of Filipinos into the mainstream of development. President Ramos had recently signed an Executive Order creating a Presidential Anti-Poverty Commission, which had launched a comprehensive programme of services to the poorest communities that included social services, agrarian reform, skills training and organization of cooperatives. That programme, aimed at helping the poor to help themselves, was a radical departure from the trickle-down policies of the past.

83. On the question of sustainable development, he assured the representative of the World Alliance of Reformed Churches that the Philippine Government recognized the importance of cooperation by NGOs in the Philippine strategy for sustainable development. He wondered whether the representative was aware that the strategy had been cited by the Global Environment Facility as a model for the developing countries.

84. Finally, his Government found incomprehensible the reference to the "total war" policy of the Philippine Government. That policy had been superseded by the Government's pursuit of a peace process with armed opposition groups, a process that the representative himself had acknowledged as a positive development.

85. At the same time that it was committed to honouring its foreign debt, the Philippine Government was also committed to poverty alleviation and sustainable development; those commitments were not incompatible but complementary and mutually sustaining.

The meeting rose at 8.55 p.m.